

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

CHRISTOPHER BERLIN ROBERTS,  
Petitioner,  
v.  
MATTHEW CATE, Secretary ,,  
Respondent.

Civil No. 01-0057 L (POR)

**ORDER SUA SPONTE SUBSTITUTING  
RESPONDENT**

At the time of filing of his First Amended Petition, Petitioner was apparently housed at Salinas Valley State Prison and thus named Michael Evans, Warden, as Respondent. He also named then acting Director of the California Department of Corrections, Steven Cambra. However, based on the notice of change of address Petitioner's counsel submitted to the Court on February 6, 2009, it appears Petitioner is no longer housed at Salinas Valley State Prison; rather, it appears he is presently incarcerated at Pleasant Valley State Prison in Coalinga, California.


A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner's place of custody has changed, so has his custodian. Accordingly, in order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing the Respondent again if Petitioner is transferred to another prison or paroled, the Court hereby sua sponte **ORDERS** the substitution of Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation, as

1 Respondent in place of Michael Evans and Steven Cambra. *See Ortiz-Sandoval v. Gomez*, 81  
2 F.3d 891, 894 (9th Cir. 1996) (stating that the respondent in § 2254 proceedings may be the chief  
3 officer in charge of state penal institutions).

4 The Clerk of the Court shall modify the docket to reflect “Matthew Cate, Secretary” as  
5 respondent in place of both “Michael Evans, Warden” and “Steven Cambra, Director.”

6 **IT IS SO ORDERED.**

7 DATED: February 10, 2009

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9 LOUISA S PORTER  
10 United States Magistrate Judge  
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